

HONORABLE NAPOLEON A. JONES, JR.
U.S. DISTRICT JUDGE
CIVIL PRETRIAL & TRIAL PROCEDURES

ORDERS:

Orders that are prepared by counsel for the Court **will not** be accepted if presented on counsel's letterhead. The Court will usually prepare its own written order ruling on civil motions.

STIPULATIONS:

Counsel are allowed to **request** stipulations be accepted by the Court - they must be accepted by the Court to have legal effect.

PRETRIAL MOTION PRACTICE:

Briefing schedules set forth in the will be followed Local Rules. Unless otherwise specified by the law clerk at the time you obtain a motion date, there are no additional filing deadlines other than those set forth in the Local Rules.

SETTING OF TRIAL DATE:

A trial date will typically be set at the pretrial conference.

MOTIONS IN LIMINE DEADLINES:

At the pretrial conference, a date for hearing motions in limine will be set for 2-3 weeks before trial.

Unless otherwise ordered by the Court, the parties should follow the 28 day motion filing schedule set forth in the Local Rules to determine the filing deadlines for the motion in limine, opposition and reply. Motions in limine should be limited to requests for admissibility of evidence. Parties should not present a summary judgment motion or motion to dismiss under the label of a motion in limine, and the Court will not rule on such a motion.

JURY INSTRUCTIONS:

The Court prefers to use the Ninth Circuit Jury Instructions when possible.

Counsel should serve proposed jury instructions on each other 3 weeks before the motions in limine hearing. Counsel should then meet and confer about the instructions. Finalized jury instructions should be filed one week prior to the hearing on the motions in limine. The submission to the Court should consist of (1) those instructions that counsel have agreed on and (2) proposed instructions that counsel have not agreed on together with objections to each other's instructions.

TRIAL BRIEFS:

Counsel should submit trial briefs to the Court one week before the hearing on the motions in limine.

JOINT STATEMENT OF THE CASE:

Counsel is required to submit a jointly agreed upon short statement which the Court will read to the jury preceding voir dire to describe to the jury the nature of the case. The statement of the case must be submitted to the Court one week prior to the hearing on the motions in limine. Counsel is advised to meet and confer on the statement of the case at the same time that they meet and confer on jury instructions.

JURY SELECTION:

The Court will conduct the initial jury voir dire. On a case by case basis, requests for follow-up attorney conducted voir dire will be considered, if specific questions are presented for approval. A list of proposed questions must be submitted to the Court one week prior to the hearing on the motions in limine if counsel wishes to request follow-up attorney conducted voir dire.

The blind strike system regarding the exercise of peremptory challenges will be utilized. All challenges for cause/Batson issues occur at sidebar.

TRIAL PROCEDURES:

Time limits for the various phases of the trial will be set in consultation with counsel.

Counsel are requested to seek permission to approach a witness initially, or to have the witness approach an exhibit. Ongoing permission will generally be given.

The Court likes to stay out of the case presentation. Make the record for the Court, e.g., "indicating for the record...". Instruct your witnesses (1) to allow counsel to complete a question before giving the answer and, (2) when an objection is stated, to allow the Court to rule on the objection before giving the answer.

Speaking objections are not allowed. State a legal basis for the objection or the legal exception; that perfects the record. Rulings will not be debated with counsel.

Surprise exhibits are not permitted. Thus, all exhibits should be screened with opposing counsel before use at trial.

The jury will not be kept waiting. If there are matters that need to be discussed, the Court is available at 8:00 a.m. or after 4:30 p.m. When the jury is released for recess, Court will remain in session to allow counsel to perfect the record or deal with other issues. Sidebars are discouraged.

The Court will pre-instruct the jury on the law prior to argument by counsel. Counsel are encouraged to use the law in their argument. After argument, the Court will give concluding instructions. Jurors' notes and Court's written instructions are permitted in the deliberation room with the jury.